

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

The Court, having reviewed the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, and the remaining record, does hereby find and

**ORDER:**

- (1) The Court adopts the Report and Recommendation;
- (2) Plaintiff's motion for partial summary judgment (Dkt. 81) is DENIED, defendants' motion for summary judgment (Dkt. 137) is GRANTED, and this matter is DISMISSED; and
- (3) The Clerk is directed to send copies of this Order to plaintiff and to Judge Theiler.

DATED this 14th of February, 2006.

  
\_\_\_\_\_  
JAMES L. ROBART  
United States District Judge

## ORDER OF DISMISSAL